

CONSIDERATION OF SENATE BILL 14 1/25/2011

1 MS. MCGEEHAN: It's my understanding that
2 when we've been asked to prepare fiscal notes for these
3 kinds of issues, we have not added a fiscal impact for
4 something that's already a statutory duty. As we
5 analyze HB 1, maybe we're going to have to revise that,
6 but at least our standing policy was if it was a
7 statutory duty that we're already charged to do, that we
8 don't put an additional fiscal note on it.

9 SEN. DAVIS: Are you concerned that you're
10 going to find yourselves fairly flatfooted in terms of
11 not being prepared with the resources that you need, to
12 train election workers and to train county
13 administrators on the requirements of this new law
14 facing the budget cuts that you're facing without a
15 fiscal note that's going to add resources to your
16 department for purposes of carrying out these
17 requirements?

18 MS. MCGEEHAN: I think all state agencies
19 in the state have concerns about providing the services
20 they are charged to provide in light of significant
21 budget cuts. But on the issue of training, the analysis
22 was that that was not going to cost anything additional
23 as to what we've already been appropriated.

24 SEN. DAVIS: And do you agree with that,
25 that it's not going to cost anything additional for your

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1 numbered year, we hold four seminars, and we have very
2 good attendance from our county election officials. So
3 I would be certain that our August county election
4 official seminar will be heavily -- if this passes will
5 heavily emphasize these new rules.

6 To go back to the federal funds, which we
7 know are limited, the grant for voter education also
8 includes election official training and poll worker
9 training. So if there are any remaining HAVA dollars in
10 that category that we don't use on voter education, we
11 could perhaps use to additional -- to develop additional
12 training materials.

13 SEN. DAVIS: Yes, and we talked about that
14 a moment ago, and you did state on the record that that
15 category of 5 to \$7 million that's remaining is the
16 entirety of the federal resource that you have available
17 to you right now, both for voter education and for
18 training purposes. And we've also talked about the fact
19 that the expectation and the demand on that particular
20 fund for public education is going to take the
21 significant balance that remains there. Correct?

22 MS. MCGEEHAN: Right. Well, just to be
23 clear, the remaining balance in the HAVA is all we have
24 for voter education, but there are some state funds -- I
25 don't think it's a lot -- but that would go towards

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1 MS. MCGEEHAN: Okay. I think that what
2 that is referring to is that at the end of Senate
3 Bill 14, there's a reference that says county voter
4 registrars can use Chapter 19 funds to defray costs in
5 conducting a voter registration drive. But I don't see
6 anything -- and I may have missed it -- but I don't see
7 anything in Senate Bill 14 that requires a voter
8 registration drive. I think it's -- what that section
9 in the bill is doing is trying to make clear that these
10 funds, which are -- go to county voter registrars to
11 enhance voter registration could be used to do voter
12 registration drives, but I don't see anything that
13 requires a voter registration drive in Senate Bill 14.

14 SEN. DAVIS: What resources currently are
15 expected of our local governments in carrying out the
16 training and the public awareness programs under our
17 election code.

18 MS. MCGEEHAN: The -- there's no state law
19 requirement to do voter education by the county
20 officials. Most of them do it as a public service
21 because they want to, but there's not a mandate under
22 state law to do that.

23 Under Senate Bill 14, there's required
24 training of poll workers on the new photo ID
25 requirements. And I may have missed part of your

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1 currently on the roll because I've married or I've
2 divorced, how is that situation handled today?

3 MS. MCGEEHAN: State law doesn't directly
4 address it. So I think that as a practical matter
5 what's happening is the poll workers are making judgment
6 calls as they qualify those voters for voting.

7 SEN. DAVIS: But they are not being given
8 guidance or rules or requirements in terms of how they
9 are to deal with that situation today?

10 MS. MCGEEHAN: No.

11 SEN. DAVIS: It's within their discretion?

12 MS. MCGEEHAN: At this point. I mean,
13 state law is silent on it, and our office has not issued
14 any guidance on it. So we're hearing a lot about that
15 today. That's definitely something we'll probably need
16 to look into, but right now there is no rule or statute
17 on that issue.

18 SEN. DAVIS: Okay. And today if I go to
19 vote and my identification that I use for purposes of
20 voting has a different address on it than is listed on
21 the precinct roll, I think it's the interpretation today
22 under 2004 Secretary of State opinion that I am asked
23 for my correct address, and I am to be believed if I say
24 that my address is the address that's on the precinct
25 list as opposed to what might be on my ID?

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1 SEN. DAVIS: And what steps would the
2 Secretary of State's Office engage in to assure that the
3 ID wasn't being used to establish an understanding of
4 the voter's residency?

5 MS. MCGEEHAN: Would definitely, I think,
6 be included in our training materials to emphasize that.

7 SEN. DAVIS: Currently, is there any
8 information that the Secretary of State's Office gathers
9 that breaks down by category voters in the state? And
10 when I say "by category," I mean by race, by gender, by
11 disability, by age.

12 MS. MCGEEHAN: We have some information.
13 We have -- we have age for sure. On gender -- we have
14 some information on gender, but it's not conclusive
15 because gender is now -- it used to be a required
16 element on the voter registration application. In 1995,
17 it was taken -- or it became optional after the National
18 Voter Registration Act. So we have some data on gender,
19 but, again, it's not complete.

20 Regarding ethnicity, we really -- we don't
21 have any information like that because it's not
22 collected when a person applies to register to vote.
23 The only data that we do have is we do have the number
24 of voters that have an Hispanic surname. And so we can
25 run the list of registered voters against this list of

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1 to have some way to collect it. So we could revisit
2 putting that question or adding that as a question to
3 the voter registration application. I'd be happy to
4 visit on ways where we could try and collect that, but
5 right now we would not have the tools that we would need
6 to be able to collect that data.

7 SEN. DAVIS: It seems rather important as
8 implementation of this law advances that that
9 information be made available for the Justice Department
10 review as well as any judicial review that might occur
11 in terms of the impact of the implementation of the law.

12 I believe that's all the questions I have
13 for you. Thank you so much.

14 MS. MCGEEHAN: Thank you.

15 CHAIRMAN DUNCAN: The Chair recognizes
16 Senator West.

17 SEN. WEST: Thank you very much,
18 Mr. Chairman. Many of the questions Senator Davis has
19 already asked, but have you had a chance to look at the
20 bill as introduced?

21 MS. MCGEEHAN: Yes.

22 SEN. WEST: Okay. Do you happen to have
23 it there in front of you?

24 MS. MCGEEHAN: Yes, I do.

25 SEN. WEST: Okay. Great. Before I get

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1 MS. MCGEEHAN: That's correct. And just
2 an example of that, the cost that Bexar County put in
3 the fiscal note was -- I think their assumption was that
4 the certificate, the voter registration certificate
5 would have to increase in size. And I don't see
6 anything in the bill that requires that. And the
7 Secretary of State prescribes the form. So once that's
8 explained to the county, they might withdraw that
9 fiscal --

10 SEN. FRASER: I want to make sure that
11 that's clear, is that some of these assumptions are
12 possibly the-sky-is-falling assumptions that this is --
13 you know, this expense is going to be put on us, and I
14 don't think that's been discussed. And some of this, I
15 think, can be done by ruling of the Secretary of State,
16 directing them. And there is a real good chance that a
17 lot of these expenses go away that can be absorbed
18 through the Secretary of State. And that is correct,
19 isn't it?

20 MS. MCGEEHAN: Yes.

21 SEN. FRASER: Okay. I wanted to clear
22 that up. Thank you so much.

23 CHAIRMAN DUNCAN: The Chair recognizes
24 Senator Williams.

25 SEN. WILLIAMS: Thank you, Mr. Chairman.

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1 had talked earlier about the project that I asked you to
2 do, to cross-reference the driver's licenses and the
3 voter registration. How is that coming along? I know I
4 only asked today, but I just --

5 MS. MCGEEHAN: Yes.

6 SEN. WILLIAMS: -- but what is a
7 reasonable expectation for us to get that information?

8 MS. MCGEEHAN: I would hope by the end of
9 the week. One thing that our IT folks and our election
10 experts are trying to struggle with is like matching
11 criteria --

12 SEN. WILLIAMS: Right.

13 MS. MCGEEHAN: -- you know, which we won't
14 have a TLD number, so we're working through some of
15 that. But I would expect by the end of the week we
16 would have it, if not earlier.

17 SEN. WILLIAMS: Okay. So do you need any
18 further direction from us? For instance, if we wanted
19 to target that universe of people that we know are out
20 there and maybe make a little extra effort to make sure
21 that they understood they were going to have a new
22 requirement when they went to vote as far as getting a
23 photo ID, if they didn't already have one -- and we've
24 identified who they are -- if we gave legislative intent
25 as a part of the bill tomorrow, would that be sufficient

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